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MATSON NAVIGATION COMPANY, INC.  
AND ALEXANDER & BALDWIN, INC.

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA: SAN FRANCISCO DIVISION**

ROBERT H. STEINBERG, Individually and on )  
Behalf of All Others Similarly Situated, )

Plaintiff, )

v. )

MATSON NAVIGATION COMPANY, INC., )  
et al. )

Defendants )

----- )  
E&M INTERNATIONAL TRANSPORT, INC., )  
Individually and on Behalf of All Others )  
Similarly Situated, )

Plaintiff, )

v. )

HORIZON LINES, INC., et al. )

Defendants. )

Case No. 08-cv-02402 VRW

**ADMINISTRATIVE MOTION TO  
CONSIDER WHETHER CASES SHOULD  
BE RELATED**

Case No. 08-cv-03537 MEJ

1 TO THE COURT AND ALL PARTIES AND COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE THAT, pursuant to Civ. L.R. 3-12, Defendants Matson  
3 Navigation Company, Inc. and Alexander & Baldwin, Inc., hereby give notice that the following  
4 two cases are related within the meaning of Civ. L.R. 3-12:

- 5 • *Robert H. Steinberg, et al. v. Matson Navigation Company, Inc., Alexander &*  
6 *Baldwin, Inc., Horizon Lines, Inc., and Horizon Lines LLC*, 08-cv-02402-VRW (“*Steinberg*”); and
- 7 • *E&M International Transport, Inc., et al. v. Horizon Lines, Inc., Horizon Lines,*  
8 *LLC, Matson Navigation Company, Inc., and Alexander & Baldwin, Inc.*, 08-cv-03537-MEJ  
9 (“*E&M International*”).

10 *Steinberg* is a civil action currently pending in the Northern District of California before  
11 the Honorable Vaughn R. Walker. *E&M International* is a civil action currently pending in the  
12 Northern District of California before the Honorable Maria Elena-James. *Steinberg* was filed prior  
13 to *E&M International* and, as such, is assigned the lower case number.

14 This Administrative Motion is made pursuant to Local Rule 3-12(a), which provides that  
15 actions are related when:

16 (1) The actions concern substantially the same parties, property, transaction or event;  
17 and

18 (2) It appears likely that there will be an unduly burdensome duplication of labor and  
19 expense or conflicting results if the cases are conducted before different judges.

20 *Steinberg* and *E&M International* are related within the meaning of Civ. L.R. 3-12. Both  
21 cases involve allegations of violations of antitrust statutes in connection with ocean shipping  
22 services. Specifically, both actions allege that the Matson and Horizon defendants agreed,  
23 combined, or conspired with each other to fix, raise, maintain and/or stabilize prices of  
24 noncontiguous domestic ocean shipping and/or to allocate markets and/or customers for those  
25 services in the United States. Plaintiffs in both actions name the same defendants. At least three  
26 other, similar matters have been assigned or reassigned to Judge Walker.<sup>1</sup>

27 \_\_\_\_\_  
28 <sup>1</sup> Those matters are: *Acutron, Inc. v. Matson Navigation Company, Inc., et al.*, 08-cv-02600-VRW; *50th State Distributors, Inc. v. Matson Navigation Company, Inc., et al.*, 08-cv-02603-

1 The factual and legal matters presented in *Steinberg* and *E&M International* will be largely  
 2 identical. Whereas assignment to separate judges will create an unduly burdensome duplication of  
 3 labor, generate unneeded expense, and may lead to conflicting results, assignment to a single  
 4 judge will conserve judicial resources and lead to more efficient determination of all the actions.<sup>2</sup>

5 Defendants Matson Navigation Company, Inc. and Alexander & Baldwin, Inc. respectfully  
 6 request that the *E&M International* action be related to the *Steinberg* action.<sup>3</sup>

7 Dated: July 29, 2008

GIBSON, DUNN & CRUTCHER, LLP

/s/

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 Matson Navigation Company, Inc. and  
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VRW; and *Winkler Woods, LLC v. Matson Navigation Co., Inc., et al.*, 08-cv-03169-VRW.

<sup>2</sup> There are currently two MDL proceedings involving at least fourteen complaints alleging  
 antitrust violations by the Matson and Horizon defendants in the noncontiguous domestic ocean  
 shipping industry. *In Re: Hawaiian Cabotage Antitrust Litigation*, MDL No. 1970; *In Re: Pacific  
 Ocean Cabotage Antitrust Litigation*, MDL No. 1972. The *Steinberg* plaintiffs have been  
 identified as interested parties to both proceedings, while *E&M International* has been identified  
 as a potential tag-along action.

<sup>3</sup> By filing this Notice of a Related Case, Defendants Matson Navigation Company, Inc. and  
 Alexander & Baldwin, Inc. do not consent to proceed before a United States Magistrate Judge.